

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Carl Towns et al.

Application No.: 10/533,920

Confirmation No.:

Filed: June 7, 2005

Art Unit: 1794

For: ARYL-SUBSTITUTED
POLYINDENOFLUORENES FOR USE IN
ORGANIC ELECTROLUMINESCENT
DEVICES

Examiner: M. E. Nelson

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement set forth in the Office Action mailed February 6, 2009, applicant hereby provisionally elects Group I, claims 1-9 for continued examination, with traverse.

The Examiner has required restriction between one of the following inventions:

Group I, claim(s) 1-9, drawn to a polymer comprising repeat units of formula (I).

Group II, claim(s) 10 and 11, drawn to a monomer comprising a compound of formula (H).

Group III, claim(s) 12 and 13, drawn to a process of preparing a polymer using a monomer of formula (II).

Group IV, claim(s) 14, drawn to an organic light emitting device comprising a polymer comprising repeat units of formula (I).

Group V, claim(s) 15-19, drawn to a monomer comprising a unit of formula (III).

Group VI, claim(s) 20, drawn to a process of preparing a polymer using a monomer comprising a unit of formula (III).

Group VII, claim(s) 21, drawn to a switching device comprising a polymer comprising a first repeat unit of formula (I) and a second repeat unit selected from the group consisting of triarylaminines and heteroaromatics.

Group VIII, claim(s) 22 and 23, drawn to a field effect transistor (claim 22) and integrated circuit comprising the field effect transistor (claim 23) wherein the transistor comprises a polymer comprising a repeat unit of formula (I).

Group IX, claim(s) 24, drawn to a photovoltaic cell comprising a polymer comprising a repeat unit of formula (I).

The Examiner has required the applicant to elect a species or invention to be examined and also indicate the claims encompassing the elected invention. The applicant believes that claims 1-9 read on the elected invention.

If the Examiner has required the applicant to elect a species, the applicant elects polymer 1 (page 32 of the specification) as the elected species. Claims 1, 2, and 4-9 read on the elected species.

Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

All the claims have been previously examined by the Examiner. Therefore, there is no undue burden on the Examiner to search this invention. For the above reasons, this restriction requirement should be withdrawn.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00039-US from which the undersigned is authorized to draw.

Dated: March 2, 2009

Respectfully submitted,

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Ashley I. Pezzner

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